

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

)	
SPACE EXPLORATION)	
TECHNOLOGIES CORP.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-00354-SGB
)	Judge Susan G. Braden
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
UNITED LAUNCH SERVICES, LLC,)	
)	
Defendant-Intervenor.)	
)	
)	

**SUPPLEMENTAL NARRATIVE IN SUPPORT OF APPLICATION OF
DAVID W. GERBUS FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER**

I, David W. Gerbus, make the following supplemental statements and representations in support of the request that I be granted access to protected material that may be filed or produced in connection with the above-captioned protest.

1. Plaintiff has alleged that I report directly to ULA's Chief Executive Officer. Plaintiff Response at 2. That is incorrect. My relationship to ULA's CEO is as a supporting legal advisor. I report directly only to Kevin MacCary, ULA's General Counsel. Mr. MacCary is the individual who provides direct legal advice to Michael Gass, ULA's CEO. I support Mr. MacCary's advice.

My direct advice is to lower level managers; the two highest level executives I directly advise are Mr. MacCary, the General Counsel, and ULA's Vice President for Human Resources.

2. Plaintiff has insinuated that I have an "exceedingly narrow view of competitive decision making" and that I have "advice and participation in any or all of the client's decisions (pricing, product design, etc.) made in light of similar or corresponding information about a competitor."

Plaintiff Response at 4. This is simply not true. To reiterate my original detailed narrative, I provide no advice—none at all—on decisions "made in light of similar or corresponding information about a competitor." *See Detailed Narrative at 2.* To the extent my ethics, labor, employment, and litigation advice touches upon government contracts at all, it applies to internal investigations, employee actions, and litigation oversight regarding contract administration.

3. My role is not to provide updates to ULA management regarding this bid protest. My role in this protest will be to assist outside counsel. Ms. Karri Palmetier, ULA Associate General Counsel, will be receiving non-protected status updates from Mr. Mason, Attorney of Record.

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.

David W Gerbus
Signature

May 23, 2014
Date Executed

David W. Gerbus